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Filing date: **05/23/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	CSXT Intellectual Properties Corporation
Granted to Date of previous extension	05/21/2016
Address	500 Water Street Jacksonville, FL 32202 UNITED STATES

Correspondence information	Andriana S. Daly Attorney McGuireWoods LLP 800 East Canal Street Richmond, VA 23219 UNITED STATES adaly@mcguirewoods.com, trademarks@mcguirewoods.com Phone:804-775-7512
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### Applicant Information

Application No	86203846	Publication date	03/22/2016
Opposition Filing Date	05/23/2016	Opposition Period Ends	05/21/2016
Applicant	INFORMATION SYSTEMS AUDIT AND CONTROL ASSOCIATION, INC. 3701 Algonquin Road Rolling Meadows, IL 60008 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pre-recorded media, namely, compact discs containing instructional, educational and teaching materials in the area of information technology for business management, consultation and auditing of information systems; computer software containing instructional, educational and teaching materials in the area of information technology for business management, consultation and auditing of information systems; downloadable computer software and downloadable cloud computer software for use in the fields of education, information technology, business management and information technology; downloadable documents, namely, white papers, training course materials, journal articles and publications, in the fields of education, information technology, business management and information technology
Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Newsletters and journals relating to auditing and data processing
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Association services, namely, promoting the interest of auditors and data processors in the field of internal auditing

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Educational services, namely, conducting conferences, seminars and workshops in the fields of telecommunication, data base performance evaluation, internal auditing and electronic data processing auditing techniques

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2543728	Application Date	02/05/1999
Registration Date	03/05/2002	Foreign Priority Date	NONE
Word Mark	CSX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1980/11/00 First Use In Commerce: 1980/11/00 Consulting services in the fields of transportation and freight distribution and storage, namely consulting in the selection of freight transportation, storage, manufacturing and distribution sites		

U.S. Registration No.	2475447	Application Date	02/05/1999
Registration Date	08/07/2001	Foreign Priority Date	NONE
Word Mark	CSX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1980/11/00 First Use In Commerce: 1980/11/00 Transportation of freight by train and truck and warehouse storage of freight		

U.S. Registration No.	4509105	Application Date	01/22/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	CCC		
Design Mark			
Description of Mark	The mark consists of a dark green letter "C" with an upside down blue "C" inside, with an orange "C" inside the blue letter "C".		
Goods/Services	Class 037. First use: First Use: 2012/03/31 First Use In Commerce: 2012/03/31 Maintenance of computer hardware systems; technical support services, namely, troubleshooting in the nature of the repair of computer hardware Class 042. First use: First Use: 2012/03/31 First Use In Commerce: 2012/03/31 Computer equipment co-location services, namely, providing facilities for the location of computer servers with the equipment of others and network co-hosting services, namely, server hosting, and website hosting services; leasing of computer facilities and server space; technical support, namely, providing backup		

	computer programs and facilities; computer systems analysis, maintenance of software for computer systems, and technical support services namely, troubleshooting in the nature of diagnosing computer hardware and software problems; monitoring technological functions of computer network systems; consulting services in the field of design, selection and implementation and use of computer hardware and software systems for others Class 045. First use: First Use: 2012/03/31 First Use In Commerce: 2012/03/31 Monitoring of computer software and hardware systems for security purposes
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U.S. Registration No.	2364124	Application Date	02/05/1999
Registration Date	07/04/2000	Foreign Priority Date	NONE
Word Mark	CSX CORPORATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 Transportation of freight by train, truck, barge, and warehouse storage of freight		

U.S. Registration No.	3712055	Application Date	05/12/2009
Registration Date	11/17/2009	Foreign Priority Date	NONE
Word Mark	CSX		
Design Mark			
Description of Mark	The mark consists of the outline of a railcar with the words "CSX" contained within.		
Goods/Services	Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 Business management consulting services in the field of freight transportation; Consulting services in the fields of transportation and freight distribution and storage, namely, consultation regarding the impact of selection of freight transportation, storage, manufacturing and distribution sites on the efficiency of freight logistics Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 Transportation of freight by train and truck and warehouse storage of freight		

Attachments	NOTICE OF OPPOSITION - FINAL.pdf(4517474 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andriana S. Daly/
Name	Andriana S. Daly
Date	05/23/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Application of:** Information Systems Audit and Control Association, Inc.

**Serial No.:** 86/203,846

**Filed:** February 25, 2014

**Mark:** CSX CYBERSECURITY NEXUS (stylized and/or with design



**Published:** March 22, 2016

<b>CSXT INTELLECTUAL PROPERTIES CORP.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No.</b>
	)	
<b>INFORMATION SYSTEMS AUDIT AND</b>	)	
<b>CONTROL ASSOCIATION, INC.,</b>	)	
	)	
<b>Applicant.</b>	)	

**NOTICE OF OPPOSITION**

1. Applicant, Information Systems Audit and Control Association, Inc. ("ISACA"), seeks to register the stylized mark "CSX CYBERSECURITY NEXUS" (the "CSX CYBERSECURITY NEXUS Mark") for pre-recorded media, computer software, and other materials for business management, consultation, and auditing of information systems in International Class 9; newsletters and journals relating to auditing and data processing in International Class 16; association services in the field of internal auditing in International Class

35; and educational services relating to telecommunication, database performance evaluation, and auditing in International Class 41. *See* U.S. Application Serial No. 86/203,846.

2. Opposer, CSXT Intellectual Properties Corp. (“CSXT”), a Delaware corporation with its principal place of business at 500 Water Street, Jacksonville, FL 32202, would be damaged by registration of the CSX CYBERSECURITY NEXUS Mark and therefore opposes registration under 15 U.S.C. § 1063.

3. Pursuant to Trademark Rule 2.102, CSXT obtained an extension of time for filing a Notice of Opposition against registration of the CSX CYBERSECURITY NEXUS Mark up to and including May 23, 2016.

#### **CSXT and the CSX Marks**

4. CSX Corporation is one of the largest providers of rail-based freight transportation services in North America. The transportation network owned and operated by CSX Corporation and its subsidiaries, such as CSX Intermodal Terminals, Inc. and CSX Transportation, Inc., encompasses approximately 21,000 route miles of track in 23 states, the District of Columbia, and Canada. Nearly two-thirds of Americans live within the service territory of CSX Corporation and its subsidiaries.

5. For the past 20 years, CSX Corporation also has done substantial business in the field of information technology. Indeed, CSX Corporation began offering information technology and computer services, such as website design and creation and computer software maintenance and development, through its subsidiary CSX Technology, Inc. in 1987. For more than 15 years, CSX Technology, Inc. provided information technology and computer services under marks such as CSX TECHNOLOGY and ADVANCED INFORMATION TECHNOLOGY CENTER.




6. Today, CSX Corporation, through its subsidiary, CSX Technology, Inc., continues to provide information technology colocation and managed services, such as troubleshooting computer hardware systems, providing secure co-hosting services and infrastructure, and monitoring software and hardware systems for security purposes, in the United States under the mark ColoCSX.


7. CSX Corporation, directly and through its subsidiaries, uses a large portfolio of trademarks in connection with its rail-based freight transportation and related services. CSXT, a wholly-owned subsidiary of CSX, owns and licenses the various trademarks used by CSX Corporation and its subsidiaries. CSX Corporation and its subsidiaries, including CSXT, are collectively referred to herein as “CSX.”

8. CSX’s trademarks are invaluable to CSX’s business, as they distinguish CSX’s services from those of other rail-based freight transportation service and information technology service providers in the minds of the consuming public.

9. To protect its substantial investment in, and the goodwill associated with, its large portfolio of trademarks, CSXT has obtained federal registrations from the United States Patent and Trademark Office for many of its trademarks, including, but not limited to, the following (collectively, the “CSX Marks”):

<b>Mark</b>	<b>Registration No.</b>	<b>Registration Date</b>	<b>Services</b>
CSX	2,543,728	March 5, 2002	Consulting services in the fields of transportation and freight distribution and storage, namely consulting in the selection of freight transportation, storage, manufacturing and distribution sites in Class 42
CSX	2,475,447	August 7, 2001	Transportation of freight by train and truck and warehouse storage of freight in Class 39

	2,364,124	July 4, 2000	Transportation of freight by train, truck, barge, and warehouse storage of freight in Class 39.
	2,544,010	March 5, 2002	Transportation of freight by train and truck, and warehouse storage of freight in Class 39
	3,712,055	November 17, 2009	Business management consulting services in the field of freight transportation; Consulting services in the fields of transportation and freight distribution and storage, namely, consultation regarding the impact of selection of freight transportation, storage, manufacturing and distribution sites on the efficiency of freight logistics in Class 35
COLOCSX	4,483,720	February 18, 2014	<p>Maintenance of computer hardware systems; technical support services, namely, troubleshooting in the nature of the repair of computer hardware, in Class 37;</p> <p>Computer equipment co-location services, namely, providing facilities for the location of computer servers with the equipment of others and network co-hosting services, namely, server hosting, website hosting services; leasing of computer facilities and server space; technical support, namely, providing backup computer programs and facilities; computer systems analysis, maintenance of software for computer systems, and technical support services namely, troubleshooting in the nature of diagnosing computer hardware and software problems; monitoring technological functions of computer network systems; consulting services in the field of design, selection and implementation and use of computer hardware and software systems for others, in Class</p>

			<p>42; and</p> <p>Monitoring of computer software and hardware systems for security purposes in Class 45.</p>
	4,509,105	April 8, 2014	<p>Maintenance of computer hardware systems; technical support services, namely, troubleshooting in the nature of the repair of computer hardware in Class 37;</p> <p>Computer equipment co-location services, namely, providing facilities for the location of computer servers with the equipment of others and network co-hosting services, namely, server hosting, and website hosting services; leasing of computer facilities and server space; technical support, namely, providing backup computer programs and facilities; computer systems analysis, maintenance of software for computer systems, and technical support services namely, troubleshooting in the nature of diagnosing computer hardware and software problems; monitoring technological functions of computer network systems; consulting services in the field of design, selection and implementation and use of computer hardware and software systems for others in Class 42; and</p> <p>Monitoring of computer software and hardware systems for security purposes in Class 45.</p>

10. Copies of the registration certificates for the aforementioned marks are attached as Exhibit A.



11. CSX also enjoys substantial common law rights in the CSX Marks. For example and without limitation, CSX has used in commerce the CSX CORPORATION Mark claimed in U.S. Registration No. 2,364,124 since at least 1997.

12. Given the global reach of CSX's well-known goods and services, CSX also has obtained foreign trademark registrations covering both the rail and information technology services. For example and without limitation, CSX's famous "CSX" mark is registered internationally for use in business management, advisory services, and other consulting services in Class 35.

13. CSX has expended considerable time, money, and effort in the development, preparation, advertising, and promotion of goods and services under the CSX Marks throughout the United States. The CSX Marks are integral parts of CSX's business and brand identity.

14. CSX's trademark registrations for several of the CSX Marks are incontestable, having been registered for well over five years. *See, e.g.*, Ex. A, at U.S. Registration Nos. 2,543,728; 2,475,447; 2,544,010; and 3,712,055.

15. By virtue of CSX's long, exclusive, and continuous use of the distinctive CSX Marks, CSX's services have become well-known to the general consuming public in both the rail and information technology sectors. Indeed, the information technology publication *ComputerWorld* in 2013 ranked CSX within the top 20 "Best Places to Work in IT." *See* Ex. B.

16. Thus, the CSX Marks have come to represent valuable symbols of CSX's goodwill.

### **ISACA and the CSX CYBERSECURITY NEXUS Marks**

17. ISACA filed an intent to use application on February 2, 2014, seeking to register the CSX CYBERSECURITY NEXUS Mark in Classes 9, 16, 35, and 41. *See* U.S. Application Serial No. 86/203,846 (the “Application”).

18. The Board issued a non-final rejection on June 5, 2014, finding, among other things, that the CSX CYBERSECURITY NEXUS Mark presented a likelihood of confusion with the mark claimed in U.S. Application No. 79/145,331, which was filed by Sony Corp. before ISACA submitted the instant application.

19. The Board further advised that ISACA would need to disclaim “CYBERSECURITY” apart from the mark as shown, and also would need to clarify the description of goods and services claimed in Class 9.

20. By response dated October 31, 2014, ISACA disclaimed “CYBERSECURITY” apart from the mark as shown, clarified the meaning of “downloadable documents” as used in the Class 9 goods and services description, and requested that the Examiner reconsider its potential refusal under Second 2(d) based on a likelihood of confusion with Sony’s CSX Mark.

21. ISACA specifically argued that ISACA’s and Sony’s services were in different fields, with Sony offering entertainment-related services, and ISACA intending to offer services in the fields of “telecommunication, data base performance evaluation, internal auditing and electronic data processing audit techniques.” (Resp. Office Action, at 3.)

22. The Board was not persuaded by ISACA’s arguments, and accordingly suspended the Application on November 29, 2014. (Suspension Notice, at 1.)

23. The Board withdrew its citation to Sony’s application on February 9, 2016, and the Application was published for opposition on March 2, 2016.

24. The goods and services identified in ISACA's application, as published, are as follows:

- Class 9:** Pre-recorded media, namely, compact discs containing instructional, educational and teaching materials in the area of information technology for business management, consultation and auditing of information systems; computer software containing instructional, educational and teaching materials in the area of information technology for business management, consultation and auditing of information systems; downloadable computer software and downloadable cloud computer software for use in the fields of education, information technology, business management and information technology; downloadable documents, namely, white papers, training course materials, journal articles and publications, in the fields of education, information technology, business management and information technology;
- Class 16:** Newsletters and journals relating to auditing and data processing;
- Class 35:** Association services, namely, promoting the interest of auditors and data processors in the field of internal auditing; and
- Class 41:** Educational services, namely, conducting conferences, seminars and workshops in the fields of telecommunication, data base performance evaluation, internal auditing and electronic data processing auditing techniques.

25. ISACA currently promotes its goods and services through the website <https://cybersecurity.isaca.org> (the "ISACA Website"). Upon information and belief, based on information available through the ISACA Website, the goods and services in connection with which ISACA uses and/or intends to use the CSX CYBERSECURITY NEXUS Mark relate to the field of cybersecurity.

26. As ISACA further explained in its October 31, 2014 Response to Office Action, ISACA's CSX CYBERSECURITY NEXUS program "focuses on cybersecurity research, education, guidance, and certifications."

27. Although the ISACA Website pictures the CSX CYBERSECURITY NEXUS Mark in small banners, a substantial majority of the website refers simply to "CSX." For

example and without limitation, the ISACA Website invites visitors to “Discovery CSX” and obtain a “CSX Practitioner certification,” offers a “CSX Career Tool” and link to “CSX News,” and makes claims about the benefits and programs offered by “CSX.” *See* Ex. C.

28. As noted above, CSX’s COLOCSX Mark and logo is registered for computer equipment and co-location services, including, but not limited to, monitoring computer software and hardware systems for security purposes in Class 45.

29. In addition, CSX itself has common law rights for the CSX Marks as to the goods and services claimed in CSX’s registrations for the COLOCSX Mark and logo. Indeed, the COLOCSX Mark emphasizes “CSX” over all other portions of the mark.

30. Consumers encountering the CSX CYBERSECURITY NEXUS Mark, as it appears at the ISACA Website, are likely to believe that ISACA’s cybersecurity services are offered, sponsored, or endorsed by, or otherwise affiliated with, CSX.

31. There is no issue as to priority, as CSX has used in commerce and owned registrations for the CSX Marks for several years, and in some cases decades, whereas ISACA merely intended to use the CSX CYBERSECURITY NEXUS Mark as of February 25, 2014.

**FIRST GROUND FOR OPPOSITION**  
**(Likelihood of Confusion)**

32. Paragraphs 1 through 31 are incorporated by reference as if fully set forth herein.

33. The CSX CYBERSECURITY NEXUS Mark and the CSX Marks, including at least the CSX and COLOCSX word marks, are substantially similar. The CSX CYBERSECURITY NEXUS Mark and the CSX Marks prominently feature “CSX” over all other components, with the CSX CYBERSECURITY NEXUS Mark merely adding in small typeface the descriptive phrase “Cybersecurity Nexus.”

34. Phonetically, consumers are likely to believe that the CSX CYBERSECURITY NEXUS Mark is not in fact a mark; instead, consumers are likely to believe that the brand is “CSX,” and “CYBERSECURITY NEXUS” is merely descriptive of services being offered, sponsored, or endorsed by, or otherwise affiliated with, CSX.

35. The services for which ISACA seeks to register the CSX CYBERSECURITY NEXUS Mark are substantially related to services provided under CSX’s CSX Marks.

36. Because of the similarity between the parties’ marks and services, consumers and the general public are likely to be confused, mistaken, or deceived as to the origin and sponsorship of ISACA’s services, and are likely to be misled into believing that ISACA’s services offered under the CSX CYBERSECURITY NEXUS Mark are provided by, or are in some other way directly or indirectly associated with, CSX and its affiliates and licensees, to the damage of CSX and its reputation.

37. CSX has no control over the nature or quality of ISACA’s services. In the event of false association, any defects, objections, or faults found with Applicant’s services could inflict serious injury upon CSX and its reputation.

**SECOND GROUND FOR OPPOSITION**  
**(Dilution)**

38. Paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

39. Numerous of the CSX Marks, including at least the marks claimed in U.S. Registration Nos. 2,543,728; 2,475,447; 2,544,010; and 3,712,055, are distinctive and famous within the meaning of 15 U.S.C. § 1125(c), and became famous before ISACA applied to register the CSX CYBERSECURITY NEXUS Mark.

40. The CSX Marks, including at least the marks claimed in U.S. Registration Nos. 2,543,728; 2,475,447; 2,544,010; and 3,712,055, are used extensively throughout the United States, and are instantly recognizable by the consuming public.

41. CSX actively polices use of the CSX Marks by third parties.

42. Registration of the CSX CYBERSECURITY NEXUS Mark is likely to cause dilution by blurring of the CSX Marks, including at least the marks claimed in U.S. Registration Nos. 2,543,728; 2,475,447; 2,544,010; and 3,712,055.

43. Indeed, registration of the CSX CYBERSECURITY NEXUS Mark is likely to impair the distinctiveness of the CSX Marks, including at least the marks claimed in U.S. Registration Nos. 2,543,728; 2,475,447; 2,544,010; and 3,712,055.

WHEREFORE, CSX prays that Application Serial No. 86/203,846 be rejected, that no registration be issued thereon to ISACA, and that this Opposition be sustained.

Dated: May 23, 2016

Respectfully submitted,

CSXT Intellectual Properties Corp.

By Counsel

/Andriana S. Daly/  
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*Counsel for CSXT Intellectual Properties Corp.*

Electronically Filed via ESTTA: May 23, 2016

**CERTIFICATE OF SERVICE**

I certify that on May 23, 2016 a copy of this Notice of Opposition was mailed, first class, postage prepaid to Applicant Information Systems Audit and Control Association, Inc., 3701 Algonquin Road, Rolling Meadows, IL 60008.

/Andriana S. Daly/  
Andriana S. Daly

# **EXHIBIT A**



**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 2,543,728**

**Registered Mar. 5, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**CSX**

CSX CORPORATION (VIRGINIA CORPORATION)  
ONE JAMES CENTER  
901 EAST CARY STREET  
RICHMOND, VA 23219

FOR: CONSULTING SERVICES IN THE FIELDS  
OF TRANSPORTATION AND FREIGHT DISTRIBUTION  
AND STORAGE, NAMELY CONSULTING IN  
THE SELECTION OF FREIGHT TRANSPORTATION,  
STORAGE, MANUFACTURING AND DIS-

TRIBUTION SITES, IN CLASS 42 (U.S. CLS. 100 AND  
101).

FIRST USE 11-0-1980; IN COMMERCE 11-0-1980.

OWNER OF U.S. REG. NOS. 1,230,400, 2,364,124  
AND OTHERS.

SER. NO. 75-635,351, FILED 2-5-1999.

THOMAS GLEASON, EXAMINING ATTORNEY

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.*



*J. Todd Johnson*

Commissioner of Patents and Trademarks

**Requirements for Maintaining a  
Federal Trademark Registration**

**SECTION 8: AFFIDAVIT OF CONTINUED USE**

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058, upon the expiration of the following time periods:

- i) At the end of 6 years following the date of registration.
- ii) At the end of each successive 10-year period following the date of registration.

*Failure to file a proper Section 8 Affidavit at the appropriate time will result in the cancellation of the registration.*

**SECTION 9: APPLICATION FOR RENEWAL**

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. §1059, at the end of each successive 10-year period following the date of registration.

*Failure to file a proper Application for Renewal at the appropriate time will result in the expiration of the registration.*

No further notice or reminder of these requirements will be sent to the Registrant by the Patent and Trademark Office. It is recommended that the Registrant contact the Patent and Trademark Office approximately one year before the expiration of the time periods shown above to determine the requirements and fees for the filings required to maintain the registration.

**Int. Cl.: 39**

**Prior U.S. Cls.: 100 and 105**

**Reg. No. 2,364,124**

**United States Patent and Trademark Office**

Registered July 4, 2000

**SERVICE MARK  
PRINCIPAL REGISTER**

**CSX  
CORPORATION**

CSX CORPORATION (VIRGINIA CORPORATION)  
ONE JAMES CENTER  
901 EAST CARY STREET  
RICHMOND, VA 23219

FOR TRANSPORTATION OF FREIGHT BY  
TRAIN, TRUCK, BARGE, AND WAREHOUSE STOR-  
AGE OF FREIGHT, IN CLASS 39 (U.S. CLS. 100 AND  
105)  
FIRST USE 11-0-1997; IN COMMERCE 11-0-1997.

OWNER OF U.S. REG. NOS. 1,230,400, 1,432,208,  
AND 1,440,849.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT  
TO USE "CORPORATION", APART FROM THE  
MARK AS SHOWN.

SER. NO. 75-635,766, FILED 2-5-1999.

MICHAEL MOORE, EXAMINING ATTORNEY

**Int. Cl.: 39**

**Prior U.S. Cls.: 100 and 105**

**United States Patent and Trademark Office**

**Reg. No. 2,475,447**

**Registered Aug. 7, 2001**

**SERVICE MARK  
PRINCIPAL REGISTER**

**CSX**

CSX CORPORATION (VIRGINIA CORPORATION)  
ONE JAMES CENTER  
901 EAST CARY STREET  
RICHMOND, VA 23219

FIRST USE 11-0-1980; IN COMMERCE 11-0-1980.

OWNER OF U.S. REG. NOS. 1,230,400, 1,432,208,  
AND 1,440,849.

FOR: TRANSPORTATION OF FREIGHT BY  
TRAIN AND TRUCK AND WAREHOUSE STORAGE  
OF FREIGHT, IN CLASS 39 (U.S. CLS. 100  
AND 105).

SER. NO. 75-980,162, FILED 2-5-1999.

GEORGE LORENZO, EXAMINING ATTORNEY

**Int. Cl.: 39**

**Prior U.S. Cls.: 100 and 105**

**United States Patent and Trademark Office**

**Reg. No. 2,544,010**

**Registered Mar. 5, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**CSX**  
**TRANSPORTATION**

CSX TRANSPORTATION, INC. (VIRGINIA CORPORATION)  
500 WATER STREET  
JACKSONVILLE, FL 32202

FOR: TRANSPORTATION OF FREIGHT BY  
TRAIN AND TRUCK, AND WAREHOUSE STORAGE OF FREIGHT, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 11-0-1997, MARCH 1986 ; IN  
COMMERCE 11-0-1997.

OWNER OF U.S. REG. NOS. 1,230,400, 2,364,124  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "TRANSPORTATION", APART  
FROM THE MARK AS SHOWN.

SER. NO. 75-980,182, FILED 2-5-1999.

THOMAS GLEASON, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

[.CSX.]

**Reg. No. 3,712,055** CSXT INTELLECTUAL PROPERTIES CORPORATION (FLORIDA CORPORATION)  
Registered Nov. 17, 2009 500 WATER STREET J150  
JACKSONVILLE, FL 32202

**Int. Cls.: 35 and 39** FOR: BUSINESS MANAGEMENT CONSULTING SERVICES IN THE FIELD OF FREIGHT TRANSPORTATION; CONSULTING SERVICES IN THE FIELDS OF TRANSPORTATION AND FREIGHT DISTRIBUTION AND STORAGE, NAMELY, CONSULTATION REGARDING THE IMPACT OF SELECTION OF FREIGHT TRANSPORTATION, STORAGE, MANUFACTURING AND DISTRIBUTION SITES ON THE EFFICIENCY OF FREIGHT LOGISTICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

**SERVICE MARK**  
**PRINCIPAL REGISTER**

FIRST USE 10-31-2007; IN COMMERCE 10-31-2007.

FOR: TRANSPORTATION OF FREIGHT BY TRAIN AND TRUCK AND WAREHOUSE STORAGE OF FREIGHT, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 10-31-2007; IN COMMERCE 10-31-2007.

OWNER OF U.S. REG. NOS. 2,475,447, 2,543,728, AND 2,544,010.

THE MARK CONSISTS OF THE OUTLINE OF A RAILCAR WITH THE WORDS "CSX" CONTAINED WITHIN.

SER. NO. 77-735,364, FILED 5-12-2009.

MARC LEIPZIG, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

**COLOCSX**

**Reg. No. 4,483,720**

**Registered Feb. 18, 2014**

**Int. Cls.: 37, 42 and 45**

**SERVICE MARK**

**PRINCIPAL REGISTER**

CSXT INTELLECTUAL PROPERTIES CORPORATION (DELAWARE CORPORATION)  
500 WATER STREET  
JACKSONVILLE, FL 32202

FOR: MAINTENANCE OF COMPUTER HARDWARE SYSTEMS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING IN THE NATURE OF THE REPAIR OF COMPUTER HARDWARE, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 3-31-2012; IN COMMERCE 3-31-2012.

FOR: COMPUTER EQUIPMENT CO-LOCATION SERVICES, NAMELY, PROVIDING FACILITIES FOR THE LOCATION OF COMPUTER SERVERS WITH THE EQUIPMENT OF OTHERS AND NETWORK CO-HOSTING SERVICES, NAMELY, SERVER HOSTING, WEBSITE HOSTING SERVICES; LEASING OF COMPUTER FACILITIES AND SERVER SPACE; TECHNICAL SUPPORT, NAMELY, PROVIDING BACKUP COMPUTER PROGRAMS AND FACILITIES; COMPUTER SYSTEMS ANALYSIS, MAINTENANCE OF SOFTWARE FOR COMPUTER SYSTEMS, AND TECHNICAL SUPPORT SERVICES NAMELY, TROUBLESHOOTING IN THE NATURE OF DIAGNOSING COMPUTER HARDWARE AND SOFTWARE PROBLEMS; MONITORING TECHNOLOGICAL FUNCTIONS OF COMPUTER NETWORK SYSTEMS; CONSULTING SERVICES IN THE FIELD OF DESIGN, SELECTION AND IMPLEMENTATION AND USE OF COMPUTER HARDWARE AND SOFTWARE SYSTEMS FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-31-2012; IN COMMERCE 3-31-2012.

FOR: MONITORING OF COMPUTER SOFTWARE AND HARDWARE SYSTEMS FOR SECURITY PURPOSES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-31-2012; IN COMMERCE 3-31-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,543,728, 3,712,055, AND 4,091,358.

SER. NO. 85-829,234, FILED 1-22-2013.



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,483,720** RICHARD WHITE, EXAMINING ATTORNEY



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
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**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

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**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,509,105**

**Registered Apr. 8, 2014**

**Int. Cls.: 37, 42 and 45**

**SERVICE MARK**

**PRINCIPAL REGISTER**

CSXT INTELLECTUAL PROPERTIES CORPORATION (DELAWARE CORPORATION)  
500 WATER STREET  
JACKSONVILLE, FL 32202

FOR: MAINTENANCE OF COMPUTER HARDWARE SYSTEMS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING IN THE NATURE OF THE REPAIR OF COMPUTER HARDWARE, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

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FIRST USE 3-31-2012; IN COMMERCE 3-31-2012.

FOR: MONITORING OF COMPUTER SOFTWARE AND HARDWARE SYSTEMS FOR SECURITY PURPOSES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-31-2012; IN COMMERCE 3-31-2012.

OWNER OF U.S. REG. NOS. 2,543,728, 3,712,055, AND 4,091,358.

THE COLOR(S) DARK GREEN, BLUE, AND ORANGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A DARK GREEN LETTER "C" WITH AN UPSIDE DOWN BLUE "C" INSIDE, WITH AN ORANGE "C" INSIDE THE BLUE LETTER "C".



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,509,105** SER. NO. 85-829,237, FILED 1-22-2013.

RICHARD WHITE, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
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**Requirements in the First Ten Years\***  
**What and When to File:**

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*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

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# **EXHIBIT B**



# COMPUTERWORLD

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FEATURE

## Best Places spotlight: CSX puts its people first

The corporate culture at the No. 19-ranked company on our 2013 Best Places to Work in IT list fosters employee connections and career development.



By Ken Gagne

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Computerworld | Jun 17, 2013 7:00 AM PT

In a shaky economy, some IT workers may feel that they have limited career options and are being railroaded into jobs they don't like. Not so at CSX, which is all about mobility.





*IT staffers Srimi Manchikanti, Kathleen Brandt (seated), Syvility Broaden, Kari Damrow and Michael Hendrix. Credit: CSX.*

Kari Damrow, manager of IT operations, has experienced a range of roles at the Jacksonville, Fla.-based rail transportation company. Formerly a software engineer and then a project manager of end user services, she's seen more than just the technology that keeps trains running.

"We're given the opportunity to see the day-to-day life of those running the railroad, so we can understand the work environment of our end users," says Damrow. "You're not pigeonholed into technology and sitting behind a computer; we're included as part of the railroad."

Whether employees want to move upward or sideways, CSX is the place to be, according to Michael Hendrix, technical director of enterprise services. "We have a real, sincere focus on developing our talent," says Hendrix, who has a background in finance and built his own IT career at CSX.

ADVERTISING



At CSX, career advancement is driven by more than impressive resumes. "We really have a culture that feels [that] people make the difference," says Hendrix. "It's not the tools or the skills -- it's the people that drive the solutions that help make us successful, not just in IT but across the business, serving America's transportation needs."

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- Search and sort 20 years of Best Places honorees
- Opinion: When staffers share successes, everyone wins
- Opinion: How to pluck top talent from a sea of candidates
- How we chose the Best Places
- Tell us about the worst place to work!



**Ken Gagne**

Ken Gagne is a freelance writer covering Macs, retrocomputing and electronic entertainment. Learn more about him at [KenGagne.com](http://KenGagne.com).



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# **EXHIBIT C**



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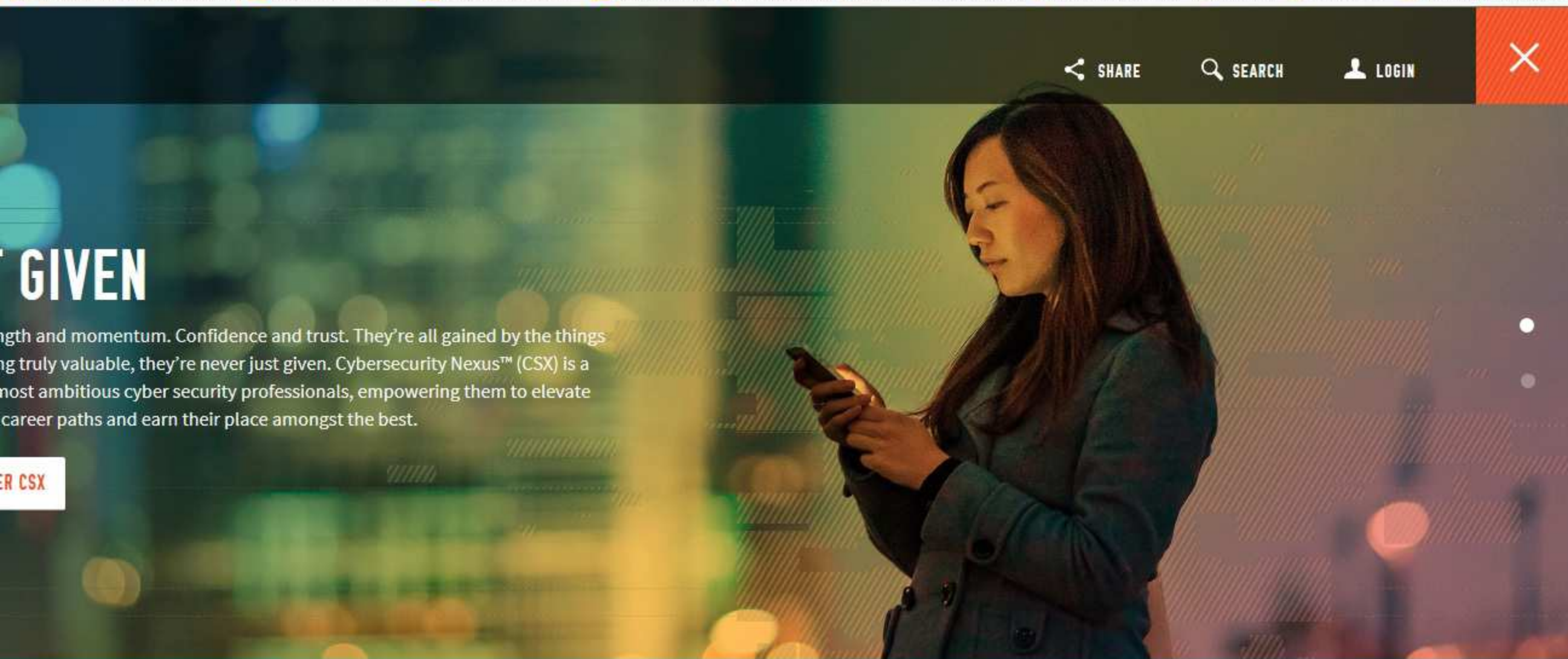


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Prove your place among the industry leaders and advance your career by earning a performance-based CSX Practitioner certification.

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### LAY THE FOUNDATION.

Launch your career by exploring the industry standards, guidelines, and practices with our Cybersecurity Fundamentals Certificate.

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